

Notice of Allowability

Application No.

10/674,992

Applicant(s)

KRAUS, ROBERT

Examiner

Art Unit

Erica E Cadugan

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to att'y dkt no. M&K 145.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 30 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/2/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with David Boutell on November 23, 2004.

3. The application has been amended as follows:

On page 8 of the specification, paragraph 0023 has been amended as follows:

[0023] Figure 6 shows a diagrammatic partial plan view of the cover plate [as in figure 1 looking in the direction of the arrow VI in figure 5].

(NOTE: Figure 5 doesn't show any arrow VI)

In the abstract, line 1, "means" has been changed to --device--.

In the abstract, line 8, "means" has been changed to --device--.

Claim 1 (Currently Amended). An aspirating means for a power hand tool[, more particularly] in the form of a router, said router being able to be set on a workpiece to be worked on [using] via a support plate, [and is] said aspirating means being able to be moved in relation to the workpiece and the tool, [more particularly] the tool having a router bit extending through the support plate and being [preferably] able to be adjusted in relation to the support plate in the vertical direction, wherein at the support plate of the tool, a [more particularly] funnel-like receiving orifice means is provided able to receive waste, chips, or dust [or the like], and able to be releaseably secured or mounted so as to be directed toward the [tool] router bit, to which

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orifice means, by the intermediary of a connection, vacuum may be applied for the removal of the waste, [or, respectively, the] chips, or dust, and which orifice means is movable along the periphery of the support plate via slide means.

Claim 2 (Currently Amended). The aspiration means as set forth in claim 1, wherein the receiving orifice means opens into an annular suction duct, which is arranged in a detachable manner at the outer periphery of the support plate, and furthermore, [the] means are provided for connecting the vacuum with the annular suction duct.

Claim 3 (Currently Amended). The aspiration means as set forth in claim 1, wherein the movement of the receiving orifice means is [adapted to be moved along the periphery of the support plate] for adjustment.

Claim 4 (Currently Amended). The aspiration means as set forth in claim 2, wherein the receiving orifice means or [the] a tubular duct connected to the receiving orifice means opens into the annular suction duct.

Claim 5 (Currently Amended). The aspiration means as set forth in claim 2, wherein the receiving orifice means or [the] a tubular duct connected to the receiving orifice means opens by way of [a] the slide means into the annular suction duct.

Claim 6 (Currently Amended). The aspiration means as set forth in claim 2, wherein the suction duct and the receiving orifice means are arranged on [the] a surface, facing the workpiece, of the support plate, concentrically to [the] a drive axis of the [tool] router bit, and adjacent to the suction duct, a second support surface is formed projecting toward the workpiece.

Claim 7 (Currently Amended). The aspiration means as set forth in claim 2, wherein the suction duct is arranged on [the] a side or, respectively, surface turned away from the workpiece

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and/or on a holder between the hand tool and the support plate, and [the] a tubular duct is designed for connection with the receiving orifice means on the outer side of the support plate.

Claim 8 (Currently Amended). The aspiration means as set forth in claim [1] 2, wherein the suction duct is adapted to be vertically set in relation to the support plate.

(NOTE: this provides antecedent basis for “the suction duct”.)

Claim 9 (Currently Amended). The aspiration means as set forth in claim 1, wherein above the support plate and at a distance from the same, a [preferably] detachable cover plate is provided, the free space between the support plate and the cover plate being connected with the vacuum connection.

Claim 10 (Currently Amended). The aspiration means as set forth in claim 9, wherein a connection opening is provided in the cover plate, and such connection opening is connected by way of a [more particularly] flexible pipe with [the] an annular suction duct to which the receiving orifice means is connected.

Claim 11 (Currently Amended). The aspiration means as set forth in claim 9, wherein brushes are provided adjacent to a point of fixation of the cover plate, which cover plate is able to be inserted into a suitable guide[, more especially from the side, and/or the passage of a drive].

Claim 12 (Currently Amended). The aspiration means as set forth in claim 9, wherein the cover plate is transparent [and more particularly consists of an elastic, tough material].

4. The following is an examiner’s statement of reasons for allowance:

It is noted that there are several routers in the prior art having a support plate that rests on a workpiece, which support plate has mounted thereon a dust or chip-receiving orifice that is movable (and in many cases even slideable) relative to the support plate. See, for example, U.S.

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Pat. No. 4,613,261 to Maier et al. (cited by applicant), EP 765719 (cited on the European counterpart to the present application), U.S. Pat. No. 4,409,699 to Moorhouse, and U.S. Pat. No. 4,750,536 to Grisley (Grisley was also cited on the European counterpart to the present application), to name a few. However, none of these references teach that the dust or chip-receiving orifice is "moveable along the periphery of the support plate via slide means" as set forth in independent claim 1, nor is there any combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of any of these references, and thus, the prior art of record does not render obvious the present invention as set forth in independent claim 1.

The aforementioned prior art being representative of the closest prior art of record, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

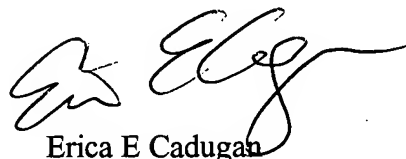
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadugan
Primary Examiner
Art Unit 3722

eec
November 23, 2004